

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUANA SIERRA,

Plaintiff,

-against-

**DECLARATION OF
JERALD HOROWITZ**

THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF BUILDINGS; PATRICIA J.
LANCASTER, in her capacity as COMMISSIONER OF
THE NEW YORK CITY DEPARTMENT OF
BUILDINGS; NEW YORK CITY DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT;
SHAUN DONOVAN, in his capacity as
COMMISSIONER OF NEW YORK CITY
DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT; and EMAD IBRAHEM,

No. 07 CV 6769 (JSR)

Defendants.

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JERALD HOROWITZ, declares under penalty of perjury, pursuant to 28 U.S.C.
§1746, as follows:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo,
Corporation Counsel of the City of New York, attorney for the defendants the City of New
York ("the City"), the New York City Department of Buildings ("DOB"), Patricia J.
Lancaster, in her capacity as Commissioner of DOB, the New York City Department of
Housing Preservation and Development ("HPD"), and Shaun Donovan, in his capacity as
Commissioner of HPD (hereinafter "City Defendants"). I submit this declaration in support of
City Defendants' motion to dismiss the complaint pursuant to Rule 12(b) of the Federal Rules
of Civil Procedure.

2. Plaintiff filed her complaint in this matter on July 27, 2007. In her complaint, plaintiff makes a facial challenge to Section 27-2076(b) of the City's Housing Maintenance Code ("the Housing Code"), which restricts children under the age of sixteen from living in a rooming unit operated for profit, as a violation of the Fair Housing Act. A second claim brought under New York City Human Rights Law appears to be brought solely against the defendant landlord, Emad Ibrahim.

3. At the same time the complaint was filed, plaintiff sought temporary and preliminary injunctive relief restraining, among other things, the City Defendants from enforcing Housing Code Section 27-2076(b). The motions were fully submitted on September 26, 2007. No decision has been rendered.

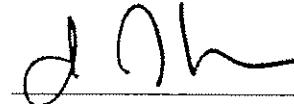
4. Based on an agreement signed by the plaintiff on or about November 17, 2007, the plaintiff no longer occupies the two rooming units as alleged in the complaint. In this agreement with the landlord, denominated Release Form, plaintiff agreed to surrender her rights to the subject premises in exchange for the sum of \$19,000. A true copy of the agreement is annexed as Exhibit A.

5. Significantly, the plaintiff agreed to, among other things, "[t]o drop the federal lawsuit, Index No, 6769cv07, naming Mr. Emad Ibrahim as a defendant."

6. Subsequently, defendant landlord's counsel Seth Denenberg sent a letter to plaintiff's counsel on November 27, 2007, which confirmed that the plaintiff surrendered possession of the premises and received a substantial payment in return for doing so, and requested that the plaintiff withdraw the instant lawsuit. A true copy of the letter is annexed as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 6, 2007



GERALD HOROWITZ (JH8395)

Index No. 07 CV 6769 (JSR)

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LANCASTER, in her capacity as
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Defendants.

DECLARATION OF JERALD HOROWITZ

MICHAEL A. CARDOZO

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NYCLIS No 2007-023070*